

1 MCGREGOR W. SCOTT
United States Attorney
2 DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
3 Social Security Administration
DANIEL P. TALBERT
4 Special Assistant United States Attorney
160 Spear Street, Suite 800
5 San Francisco, California 94105
Telephone: (415) 977-8955
6 Facsimile: (415) 744-0134
Attorneys for Defendant

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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 FRESNO DIVISION
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12
13 ALBERT F. BROWN,) CIVIL NO. 1:20-CV-00019-DAD-SKO
Plaintiff,)
14)
v.) STIPULATION FOR THE AWARD AND
15) PAYMENT OF ATTORNEY FEES AND
EXPENSES PURSUANT TO THE EQUAL
16) ACCESS TO JUSTICE ACT, 28 U.S.C. §
ANDREW SAUL,) 2412(d), AND COSTS PURSUANT TO
Commissioner of Social Security,) 28 U.S.C. § 1920; ORDER
17 Defendant.) (Doc. 15)
18

19
20 IT IS HEREBY STIPULATED by and between the parties through their undersigned
21 counsel, subject to the approval of the Court, that Albert F. Brown (Plaintiff) be awarded
22 attorney fees and expenses in the amount of six thousand dollars (\$6,000.00) under the Equal
23 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and \$400 in costs. This amount represents
24 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with
25 this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).
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1 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
2 the matter of Plaintiff's assignment of EAJA fees to Plaintiff's counsel. Pursuant to *Astrue v.*
3 *Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the
4 assignment will depend on whether the fees are subject to any offset allowed under the United
5 States Department of the Treasury's Offset Program. After the order for EAJA fees is entered,
6 the government will determine whether they are subject to any offset.
7

8 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
9 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees,
10 expenses and costs to be made directly to Plaintiff's counsel, pursuant to the assignment
11 executed by Plaintiff. Any payments made shall be delivered to Chermol & Fishman, LLC,
12 11450 Bustleton Avenue, Philadelphia, PA 19116.
13

14 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
15 attorney fees, and does not constitute an admission of liability on the part of Defendant under the
16 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and
17 bar to, any and all claims that Plaintiff and/or Plaintiff's counsel including David F. Chermol,
18 Esq., Chermol & Fishman, LLC, Helen R. Zane, Esq., and Law Offices of Helen R. Zane may
19 have relating to EAJA attorney fees in connection with this action.
20

21 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
22 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.
23

24 Respectfully submitted this 13th day of October 2020.
25

26 Dated: October 13, 2020

By: /s/ David F. Chermol*

CHERMOL & FISHMAN, LLC

Attorney for Plaintiff

*Authorized via e-mail

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2 Dated: October 13, 2020

McGREGOR W. SCOTT
United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
Social Security Administration

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6 By: /s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant United States Attorney

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8 Attorneys for Defendant
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10 **ORDER**

11 Based upon the parties' above "Stipulation for the Award and Payment of Attorney Fees
12 and Expenses Pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412(d), and
13 Costs Pursuant to 28 U.S.C. § 1920" (the "Stipulation") (Doc. 15), IT IS ORDERED that
14 attorney's fees in the amount of SIX THOUSAND DOLLARS AND 00/100 (\$6,000.00), as
15 authorized under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the
16 amount of FOUR HUNDRED DOLLARS AND 00/100 (\$400.00), as authorized by 20 U.S.C. §
17 1920, be awarded subject to the terms of the Stipulation.
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19 IT IS SO ORDERED.

20 Dated: October 15, 2020

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE